

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SIMON GARCIA et al.,

Plaintiffs,

v.

SWIFT BEEF COMPANY et al.,

Defendants.

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2:20-CV-263-Z-BR

ORDER REGARDING MOTION FOR STAY AND BRIEFING ORDER

Before the Court is Defendants’ Motion for Status Conference and Stay. (ECF 64). Defendants’ Motion addresses only the necessity of additional briefing as to the remaining jurisdictional issues and asks the Court “to stay the case and hold a status conference.” (*Id.* at 1). Defendants argue that a “stay is appropriate because the issues to be considered upon remand have already been fully briefed and largely determined.” (*Id.* at 5). Defendants’ Motion further seeks to “hold a status conference in accordance with the Federal Rule of Civil Procedure 16,” to “ensure the Court is aware of all matters the parties contend must be addressed given the Fifth Circuit’s decision to remand the case.” (ECF 64 at 5).

Defendants’ Motion does not address the appropriateness of a stay pending final resolution of federal officer removal jurisdiction in a substantially similar matter. *See* Petition for Writ of Certiorari, *Tyson Foods, Inc. v. Buljic*, Case Nos. 21-1010, 21-1012 (July 26, 2022). This Court has ordered briefing on the appropriateness of a stay pending ruling by the Supreme Court in another substantially similar matter. *Wazelle v. Tyson Foods, Inc.*, Cause No. 2:20-CV-203-Z-BR.

Defendants are ORDERED to file a brief **on or before January 23, 2023** addressing the appropriateness of a stay pending final resolution of the question of federal officer removal jurisdiction. Plaintiffs’ Response shall be filed **on or before February 3, 2023**. Any Reply shall

be filed **on or before February 10, 2023.**

Defendants' briefing also is to include an explanation of all the matters sought to be considered at the requested status conference, including whether such request relates to substantive argument related to the jurisdictional issues, to the entry of a pre-trial scheduling order consistent with Rule 16 or to both topics.

The Court finds good cause to not enter a scheduling order at this time.

IT IS SO ORDERED.

ENTERED January 5, 2023.



LEE ANN RENO
UNITED STATES MAGISTRATE JUDGE